In re MICHAELI ET AL., Application No. 09/845,606
AMENDMENT E

REMARKS

The final Office action dated May 16, 2006, and the references cited have been fully considered. In response, please enter the enclosed Request for Continued Examination (RCE) and the following amendments, and consider the following remarks. Reconsideration and/or further prosecution of the application is respectfully requested.

Applicants have amended the claims herein to clean-up the claims for allowance or appeal, including canceling of some claims to free some claim fees for new claims added herein. Claim 1 is amended to explicitly recite that the predetermined sequence order is defined among the plurality of sub-data structures, as well as the sub-data structures can store multiple items and that the original order of items is maintained. Support for such amendments is provided pervasively by the original filed application, including, but not limited to that shown by FIGs. 1A-D and 2A-D and the corresponding discussion on pages 6-9 of the specification. Claim 2 is amended to clean up the language with support provided by *idem*. Dependent claims 29-30 are amended to clean up the language to be consistent with independent claim 1. New dependent claim 35 is added to recite that the distribution is done without regard to the content of the items, with support provided at least by original FIGs. 1C and 2B and their discussion in the original filed application. New dependent claim 36 is added to recite that the items correspond to packets with support provided at least by claim 34 and at least on page 6, line 28 (the information corresponds to a stream of packets). Claims 4-12 are canceled without prejudice to free claim fees. Claims 13, 14, 31 and 32 are amended in the same manner as discussed for claims 1, 2, 29 and 30; and new claims 37 and 38 are added as discussed in relation to new claims 35 and 36. Claims 16-22 are canceled without prejudice to free claim fees. Claim 23 is amended to recite sub-queues with support provide pervasively in the original filed application, including Figs. 1A and 2A and the discussion on pages 6-8; and as discussed in relation to claim 1 (e.g., the order is among the sub-queues and to clean up the claims); and claims 39-40 are added which correspond to previously pending claims 29 and 30, with support provided at least thereby as well as by at least on page 6, lines 16-20, and page 11, line 1 through page 12, line 2. Claims 24-

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28 are canceled without prejudice to free claim fees. Claim 33 is amended in the same manner as claim 23, including the sequence is among sub-queues; and dependent claims 41-43 are added as discussed in regards to claims 29, 30 and 35. New claim sets of 44-47 and 48-51 are added herein as different claim formats with support provided at least by and as discussed herein in relation to claims 33-34 and 41-43. No new matter is added.

All claims stand rejected under 35 USC § 103(a) as being unpatentable over Klausmeier et al, US Patent 5,838,915, in view of Dagli et al, US Patent Application Publication US 2002/0126673 A1. In the Advisory Action mailed August 9, 2006, the Office clarified that it read the claims that did not require the sequence to be among the sub-data structures / sub-queues. Although Applicants do not agree with such (and therefore Applicants do not believe they are narrowing the scope of the claims), Applicants have amended the claims herein in good faith to ensure there is no such confusion instead of arguing semantics on appeal. As the prior art of record neither teaches nor suggests such a progression sequence in storing and retrieving information among sub-data structures / sub-queues in a sequence and retrieving and forwarding in the same sequence for at least the reasons that the Advisory action states that Dalit teaches the order is specific to each sub-data structure and the final Office action mailed May 16, 2006, states on page 3 that "Klausmeier does not specifically teach distributing items to a plurality of sub-data structures in an order and receiving items from the sub-data structures in the order" and then relies on the teaching of Dalit, all pending claims are believed to be allowable over the prior art of record.
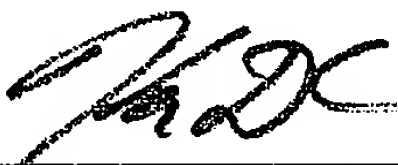
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Applicants request a one-month extension of time and have included herewith the appropriate fees. Applicants further petition any extension of time required and authorizes the Commissioner to charge any associated fees to Deposit Account No. 501430. Moreover, the Commissioner is hereby generally authorized under 37 C.F.R. § 1.136(a)(3) to treat this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 requiring an extension of time as incorporating a request therefore, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 501430 for any fee that may be due in connection with such a request for an extension of time. Moreover, the Commissioner is hereby authorized to charge payment of any fee due any under 37 C.F.R. §§ 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 501430.

Respectfully submitted,
The Law Office of Kirk D. Williams

Date: September 18, 2006

By _____ 9-18-2006
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